

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MICHIGAN (GRAND RAPIDS)**

In Re:	)	Case No.: 19-00613-jwb
	)	Chapter 7
FULL SPECTRUM MANAGEMENT, LLC,	)	Hon. James W. Boyd
	)	
Debtor.	/	
INDEPENDENT BANK, derivatively for and on	)	Adv. Pro. No.: 20-80059-jwb
behalf of KELLY M. HAGAN, Chapter 7 Trustee	)	
for the estate of Full Spectrum Management, LLC,	)	Hon. James W. Boyd
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
MARK D. NOSS, an individual, MARK D. NOSS,	)	
O.D., L.L.C., a Michigan limited liability company,	)	
d/b/a FULL SPECTRUM EYECARE, MDN	)	
DEVELOPMENT, LLC, a Michigan limited	)	
liability company, SMART SCHOOLS	)	
MANAGEMENT, INC., a former Michigan	)	
corporation, SMART SCHOOLS MANAGEMENT	)	
OF BAY CITY, LLC, a former Michigan limited	)	
liability company, SMART SCHOOLS, INC., a	)	
former Michigan corporation and STEVEN	)	
INGERSOLL, an individual, jointly and severally,	)	
	)	
Defendants.	/	

**ORDER ON PLAINTIFF'S MOTION FOR ORDER COMPELLING COMPLIANCE WITH  
NON-PARTY SUBPOENAS AND FOR DISCOVERY SANCTIONS**

PRESENT: HONORABLE JAMES W. BOYD  
U.S. Bankruptcy Court Judge

Plaintiff's Motion for Order Compelling Compliance with Non-party Subpoenas and for Discovery Sanctions coming on for hearing, the Defendants having filed their response and the Court having heard argument and the parties having met to confer regarding the Motion and agreeing to certain deadlines on the record:

**NOW, THEREFORE, IT IS HEREBY ORDERED** and the parties have agreed that on or before Tuesday, July 13, 2021, Padgett Business Services will provide a response to the Subpoena by providing a categorical list of all documents in its possession pertaining to the three named Noss Defendants;

**IT IS HEREBY FURTHER ORDERED** and the parties have agreed that on or before July 23, 2021, that the Noss Defendants shall provide a response to the list by asserting what continuing claim to confidentiality and/or privilege they claim to the list of documents provided by Padgett Business Services in response to the Subpoena, by each item listed;

**IT IS HEREBY FURTHER ORDERED** that on or before July 23, 2021, that the Noss Defendants shall provide supplemental responses and document production to the Subpoena issued on May 7, 2019, with the Rule 2004 Examination of Mark D. Noss;

**IT IS HEREBY FURTHER ORDERED** that within twenty-one (21) days after July 23, 2021, the parties shall meet and confer with respect to any outstanding issues remaining to the Motion to Compel, the third-party Subpoena to Padgett Business Services and the Rule 2004 document production Subpoena, to narrow any remaining issues regarding document production prior to the next scheduled hearing date of September 2, 2021;

**IT IS HEREBY FURTHER ORDERED** that the parties shall cooperate in preparing an appropriate stipulated protective order for any documents turned over that contain confidential and/or other information a party may claim to have confidential and/or otherwise protected financial information;

**IT IS HEREBY FURTHER ORDERED** that the Motion to Compel shall be adjourned until September 2, 2021 to determine if the parties can resolve the Motion to Compel in accordance with the above-referenced parameters; and

**IT IS HEREBY FURTHER ORDERED** that the Status Conference shall be adjourned until September 2, 2021 and all dates in the parties Rule 26(f) Report are adjourned until on or after September 2, 2021 Status Conference at which time new dates will be established.

**END OF ORDER**

APPROVED AS TO FORM:

CLARK HILL PLC  
Attorneys for Plaintiff

By: /s/ Sandra S. Hamilton  
Sandra S. Hamilton (P41980)

Wallace H. Tuttle & Associates, P.C.  
Attorneys for Noss Defendants

By: /s/ Wallace H. Tuttle  
Wallace H. Tuttle (P21644)

Jay Zelenock Law Firm PLC  
Attorneys for Noss Defendants

By: /s/ Jay Zelenock  
Jay Zelenock (P58836)

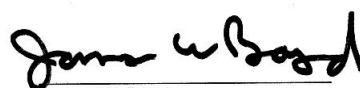
Pezzetti, Vermetten & Popovits, P.C.  
Attorneys for Padgett Business Services

By: /s/ Thomas A. Pezzetti  
Thomas A. Pezzetti, Jr. (P45200)

**IT IS SO ORDERED.**

Dated July 15, 2021



  
James W. Boyd  
United States Bankruptcy Judge